

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MARTIN FRUTOS, JR.,

Plaintiff,

No. CIV S-04-2361 GEB PAN P

vs.

CALIFORNIA DEPARTMENT OF
CORRECTIONS, et al.,

Defendant.

ORDER

On November 3, 2004, plaintiff, a state prisoner proceeding pro se, filed this civil rights action pursuant to 42 U.S.C. § 1983. By order filed November 10, 2004, plaintiff was directed to either pay the \$150.00 filing fee for the action or to file an application to proceed in forma pauperis. On December 6, 2004, plaintiff filed a response and a further response to the November 10, 2004 order. In said documents, plaintiff represents that on November 1, 2004, his father sent to the court by certified mail both the original complaint and a Western Union Money Order in the amount of \$150.00. By these documents, plaintiff sought a stay of these proceedings until the matter of the lost money order was resolved and he represented, inter alia, that he intended to seek a refund of \$150.00 from Western Union.

Good cause appearing, IT IS HEREBY ORDERED that within fifteen days from the date of this order plaintiff shall inform the court in writing of the status of his request for a

1 refund from Western Union. Failure to respond to this order will result in a recommendation that
2 this action be dismissed.

3 DATED: May 10, 2006.

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6 UNITED STATES MAGISTRATE JUDGE

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